

**From:** Williams, Odessa

**Location:** Conf Call + **Ex. 6 - Personal Privacy**

**Importance:** Normal

**Subject:** Meeting w/EPA & TCEQ

**Start Date/Time:** Tue 3/28/2017 4:00:00 PM

**End Date/Time:** Tue 3/28/2017 6:00:00 PM

Final Agenda March 28 2017 .docx

Agenda for March 28, 2017 Meeting  
EPA-Texas

- Introductions
- Background
- Path Forward
  - Goals
    - Comprehensive approvable SIP revision resolving BART and reasonable progress, and enabling resolution of current litigation.
    - Providing regulatory certainty.
  - What is needed (TCEQ perspective)
  - What is needed (EPA perspective)
    - CSAPR/SO2 budget or alternative
    - BART or BART alternative
    - Reasonable Progress
- Other Ideas

**From:** Williams, Odessa  
**Location:** Conf Call  
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**Subject:** Meeting w/EPA & TCEQ  
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Final Agenda March 28 2017 .docx

\*\*\*\* PLEASE DO NOT FORWARD \*\*\*\*

Meeting will take place in Austin, TX

### **Participants Dialing Instructions**

1. Dial Austin Local Access Number: Ex. 6 - Personal Privacy
2. Enter Participant's Code: Ex. 6 - Personal Privacy

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]  
**Cc:** Dunham, Sarah[Dunham.Sarah@epa.gov]  
**From:** Lewis, Josh  
**Sent:** Fri 3/24/2017 7:08:27 PM  
**Subject:** Follow up materials we promised  
[RFS Point of Obligation Backgrounder 2.24.17.docx](#)  
[signed-response-san-joaquin-2016-12-20.pdf](#)  
[Final RH Paper - March 21.docx](#)  
[RTR decision March 13 2017.pdf](#)  
[126 Petitions Update 03 02 17.pptx](#)  
[Ozone Designations.docx](#)  
[monitoring.docx](#)

Hi Mandy,

Attached is a bunch of follow up from our conversations earlier in the week. I think this hits the major items, though if you see anything missing please let me know. And a heads up that I'll cc you on some other materials I will be sending to Kristien Knapp (OAR's 3<sup>rd</sup> Fl special assistant, if you haven't met her yet)...this is in response to a request we received for a handful of one-pagers that will be going into a binder for the Administrator.

(1) Point of obligation – Background Paper from 2/24 attached

(2) NOx letter we sent to petitioners. One example attached. More background at:

<https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-revised-nox-standards-highway-heavy-duty>

(3) Regional Haze – background paper attached. We will also figure out a time soon to brief you on this.

(4) March 13<sup>th</sup> court decision re: schedule for 20 RTRs (Sarah has already sent the more recent, March 22<sup>nd</sup> decision on additional RTR source categories)

(5) Powerpoint on status of CAA 126 petitions

(6) Ozone designations –

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

(7) Cost of air monitors + use of modeling v. modeling in nonattainment determinations (which ends up being an issue mainly for SO<sub>2</sub> and not for the other NAAQS pollutants) – the final attached word document addresses both of these questions...and also speaks to the process and schedule for the SO<sub>2</sub> designations.

Josh

**To:** Dunham, Sarah[Dunham.Sarah@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Page, Steve[Page.Steve@epa.gov]  
**From:** Schmidt, Lorie  
**Sent:** Tue 2/28/2017 9:14:59 PM  
**Subject:** RE: TX, OK, and AR

## Ex. 5 - Deliberative Process

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

**From:** Dunham, Sarah  
**Sent:** Tuesday, February 28, 2017 4:05 PM  
**To:** Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** FW: TX, OK, and AR

## Ex. 5 - Deliberative Process

**From:** Connors, Sandra  
**Sent:** Tuesday, February 28, 2017 3:51 PM  
**To:** Coleman, Sam <Coleman.Sam@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Cc:** Flynn, Mike <Flynn.Mike@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>  
**Subject:** FW: TX, OK, and AR

## Ex. 5 - Deliberative Process

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Thank you,

Sandra

---

Sandra L. Connors  
Senior Advisor

Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, Room 3317  
Washington, DC 20460  
(202)564-4231

[connors.sandra@epa.gov](mailto:connors.sandra@epa.gov)

**From:** Flynn, Mike  
**Sent:** Tuesday, February 28, 2017 1:23 PM  
**To:** Connors, Sandra <[Connors.Sandra@epa.gov](mailto:Connors.Sandra@epa.gov)>  
**Subject:** FW: TX, OK, and AR

Possible topic for 3pm

*Mike Flynn*

*Acting Deputy Administrator*

*U.S. Environmental Protection Agency*

*202-564-4711*

**From:** Coleman, Sam  
**Sent:** Tuesday, February 28, 2017 9:14 AM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Cc:** Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>; Flynn, Mike <[Flynn.Mike@epa.gov](mailto:Flynn.Mike@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Minoli, Kevin

<Minoli.Kevin@epa.gov>; Schnare, David <schnare.david@epa.gov>; Coleman, Sam  
<Coleman.Sam@epa.gov>  
**Subject:** Re: TX, OK, and AR

Ryan,

## **Ex. 5 - Deliberative Process**

Background:

EPA issued a FIP for Arkansas in September 2016. Among other things, the FIP set emission limits based on the best available retrofit technology (BART) at 2 power plants (White Bluff, Flint Creek) and established reasonable progress requirements at another power plant (Independence).



Arkansas, Entergy, and others filed suit in the 8th Circuit. In February, Arkansas and Entergy filed motions with the court asking it to stay the FIP. EPA's response to those motions is due March 8th.

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Samuel Coleman, P. E.,

Deputy Regional Administrator

214.665.2100 Ofc

214.665. 3110 Desk

214.665.2016 Cell

Coleman.sam@epa.gov

Sent from my iPhone

On Feb 27, 2017, at 9:39 PM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

Sam, I've been meaning to following up with you concerning the BART FIP, Oklahoma Water quality approval, and regional haze litigation in AR.

I see we took action on the Oklahoma water quality approval plan, but can I get a short briefer on the TX BART FIP comment extension and the history on that with a background piece on the AR regional haze issue?

I'm providing this information to update the Administrator.

Thanks

Ryan.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

(202) 564-6999



**To:** Shaw, Betsy[Shaw.Betsy@epa.gov]; Page, Steve[Page.Steve@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Mon 4/3/2017 1:35:43 PM  
**Subject:** Fwd: Texas and Arkansas Regional Haze Paper

FYI

Begin forwarded message:

**From:** "Knapp, Kristien" <[Knapp.Kristien@epa.gov](mailto:Knapp.Kristien@epa.gov)>  
**Date:** April 3, 2017 at 9:33:02 AM EDT  
**To:** "Dunham, Sarah" <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Cc:** "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>, "Lewis, Josh" <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>, "Coleman, Sam" <[Coleman.Sam@epa.gov](mailto:Coleman.Sam@epa.gov)>  
**Subject:** **Re: Texas and Arkansas Regional Haze Paper**

Thanks Sarah. We will put this in the Administrator's book tonight.

I talked about the process for materials like this with Mike Flynn at my morning meeting so that we can be consistent across the agency, and then checked with Mandy that this will work on her end to. Our plan is that when you send something like this, please send it to both Mandy and I. I will get it into the Administrator's book at the next opportunity (depending on when it's received and when he is leaving each day), and when I send it for the book, I will copy Mandy and Ryan so that they are ready to talk about it if the Administrator brings it up at their morning meeting. We think that's a workable system, and can be consistent and clear. Please let me know if you have any questions or concerns.

Sent from my iPhone

On Mar 31, 2017, at 3:08 PM, Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)> wrote:

At last Monday's Senior Staff meeting, the Administrator asked for a background paper on the status and sticking points on regional haze in Texas and Arkansas. Region 6, OAR, and OGC developed the attached document. I would love any advice on what the right process is for this to get to the Administrator. (and Mandy any thoughts or suggestions you have on whether this is what he is looking for would be useful). I am also attaching the overview regional haze paper (Mandy, we sent this to you last week) which may be a useful resource in that it provides more context for all the ongoing regional haze efforts.

<Texas\_Arkansas Reg Haz two Pager March 31 2017a.docx>

<Final RH Paper - March 21a.docx>

**To:** Page, Steve[Page.Steve@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]; Harvey, Reid[Harvey.Reid@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Thur 3/2/2017 6:02:39 PM  
**Subject:** FW: TX, OK, and AR  
Briefing Sheet for TX BART Proposal and Comment Period-March 1 version SC formatted.docx

fyi

**From:** Coleman, Sam  
**Sent:** Thursday, March 02, 2017 12:53 PM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** RE: TX, OK, and AR

Some background reading re: TX Haze. Path forward is underdevelopment and should be discussed.

I would like to discuss with you. I have a request for this from the Adm Ofc.

Samuel Coleman, P.E.

Deputy Regional Administrator

EPA Region 6

[coleman.sam@epa.gov](mailto:coleman.sam@epa.gov)

214.665.2100 Ofc

214.665.3110 Direct

214.789.2016 Cell

**From:** Jackson, Ryan  
**Sent:** Wednesday, March 01, 2017 9:06 PM

**To:** Schnare, David <[schnare.david@epa.gov](mailto:schnare.david@epa.gov)>; Coleman, Sam <[Coleman.Sam@epa.gov](mailto:Coleman.Sam@epa.gov)>  
**Cc:** Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>; Flynn, Mike <[Flynn.Mike@epa.gov](mailto:Flynn.Mike@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** RE: TX, OK, and AR

Thank you David. We'll advise the Administrator about the extensions in the morning.

**From:** Schnare, David  
**Sent:** Wednesday, March 1, 2017 12:30 PM  
**To:** Coleman, Sam <[Coleman.Sam@epa.gov](mailto:Coleman.Sam@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>; Flynn, Mike <[Flynn.Mike@epa.gov](mailto:Flynn.Mike@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** Re: TX, OK, and AR

Ryan

I already gave the go ahead on this as it extends the comment period and preserves all our prerogatives.

dschnare

Sent from my iPhone

On Feb 28, 2017, at 9:14 AM, Coleman, Sam <[Coleman.Sam@epa.gov](mailto:Coleman.Sam@epa.gov)> wrote:

Ryan,

## Ex. 5 - Deliberative Process



## **Ex. 5 - Deliberative Process**

### Background:

EPA issued a FIP for Arkansas in September 2016. Among other things, the FIP set emission limits based on the best available retrofit technology (BART) at 2 power plants (White Bluff, Flint Creek) and established reasonable progress requirements at another power plant (Independence).

Arkansas, Entergy, and others filed suit in the 8th Circuit. In February, Arkansas and Entergy filed motions with the court asking it to stay the FIP. EPA's response to those motions is due March 8th.

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Samuel Coleman, P. E.,

Deputy Regional Administrator

214.665.2100 Ofc

214.665. 3110 Desk

214.665.2016 Cell

[Coleman.sam@epa.gov](mailto:Coleman.sam@epa.gov)

Sent from my iPhone

On Feb 27, 2017, at 9:39 PM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

Sam, I've been meaning to following up with you concerning the BART FIP, Oklahoma Water quality approval, and regional haze litigation in AR.

I see we took action on the Oklahoma water quality approval plan, but can I get a short briefer on the TX BART FIP comment extension and the history on that with a background piece on the AR regional haze issue?

I'm providing this information to update the Administrator.

Thanks

Ryan.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

(202) 564-6999

**From:** Johnson, Yvonne W  
**Location:** RTP-C500A-Max40/RTP-Bldg-C  
**Importance:** Normal  
**Subject:** Texas Regional Haze Pre-Meeting Ex. 6 - Personal Privacy  
**Start Date/Time:** Mon 3/20/2017 8:00:00 PM  
**End Date/Time:** Mon 3/20/2017 9:00:00 PM  
Agenda for March 20 pre-call on TX.v1.docx

Revised agenda attached

**To:** Lewis, Josh[Lewis.Josh@epa.gov]  
**Cc:** Kornylak, Vera S.[Kornylak.Vera@epa.gov]; Wood, Anna[Wood.Anna@epa.gov]  
**From:** Koerber, Mike  
**Sent:** Thur 3/2/2017 10:35:14 PM  
**Subject:** RE: Haze issue  
[RHgeneral March 2 2017 final.docx](#)  
[First Planning Period Key Actions Overview RH 3 2 17 rev.docx](#)

## Ex. 5 - Deliberative Process

Mike

**From:** Lewis, Josh  
**Sent:** Thursday, March 02, 2017 9:42 AM  
**To:** Koerber, Mike <Koerber.Mike@epa.gov>  
**Subject:** Fwd: Haze issue

I'll call you in a bit about this

Begin forwarded message:

**From:** "Richardson, RobinH" <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>  
**Date:** March 2, 2017 at 9:33:06 AM EST  
**To:** "Lewis, Josh" <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>  
**Cc:** "Haman, Patricia" <[Haman.Patricia@epa.gov](mailto:Haman.Patricia@epa.gov)>, "Nitsch, Chad" <[Nitsch.Chad@epa.gov](mailto:Nitsch.Chad@epa.gov)>  
**Subject:** Fwd: Haze issue

Hi Josh -

Thank you for the call earlier. Below is the ask from the Administrator. I've included Pat and Chad to help, as needed. When you get a chance to coordinate with people let me know and let's touch base. Sound ok?

Thank you again! Robin

Robin H Richardson

PDAA, EPA/OCIR

(202) 564-3358 (desk)

(703) 581-5814 (cell)

[richardson.robinh@epa.gov](mailto:richardson.robinh@epa.gov)

Begin forwarded message:

**From:** "Schnare, David" <[schnare.david@epa.gov](mailto:schnare.david@epa.gov)>

**Date:** March 2, 2017 at 8:59:53 AM EST

**To:** "Richardson, RobinH" <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>

**Subject:** Haze issue

## Ex. 5 - Deliberative Process

dschnare

**To:** Lewis, Josh[Lewis.Josh@epa.gov]  
**From:** Koerber, Mike  
**Sent:** Thur 3/2/2017 4:57:53 PM  
**Subject:** RE: Haze issue  
RHgeneral\_March 2 2017a.docx

## Ex. 5 - Deliberative Process

**From:** Lewis, Josh  
**Sent:** Thursday, March 02, 2017 11:54 AM  
**To:** Koerber, Mike <Koerber.Mike@epa.gov>  
**Subject:** RE: Haze issue

Can I see a draft of the latest (not for sharing...just to get an idea of what's in it)?

**From:** Lewis, Josh  
**Sent:** Thursday, March 02, 2017 9:42 AM  
**To:** Koerber, Mike <Koerber.Mike@epa.gov>  
**Subject:** Fwd: Haze issue

I'll call you in a bit about this

Begin forwarded message:

**From:** "Richardson, RobinH" <Richardson.RobinH@epa.gov>  
**Date:** March 2, 2017 at 9:33:06 AM EST  
**To:** "Lewis, Josh" <Lewis.Josh@epa.gov>  
**Cc:** "Haman, Patricia" <Haman.Patricia@epa.gov>, "Nitsch, Chad" <Nitsch.Chad@epa.gov>  
**Subject:** Fwd: Haze issue

Hi Josh -

Thank you for the call earlier. Below is the ask from the Administrator. I've included Pat



and Chad to help, as needed. When you get a chance to coordinate with people let me know and let's touch base. Sound ok?

Thank you again! Robin

Robin H Richardson

PDAA, EPA/OCIR

(202) 564-3358 (desk)

(703) 581-5814 (cell)

[richardson.robinh@epa.gov](mailto:richardson.robinh@epa.gov)

Begin forwarded message:

**From:** "Schnare, David" <[schnare.david@epa.gov](mailto:schnare.david@epa.gov)>

**Date:** March 2, 2017 at 8:59:53 AM EST

**To:** "Richardson, RobinH" <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>

**Subject:** Haze issue

## Ex. 5 - Deliberative Process

dschnare

**To:** Mccarthy, Gina[McCarthy.Gina@epa.gov]  
**Cc:** Harvey, Reid[Harvey.Reid@epa.gov]; Miller, RobertL[Miller.RobertL@epa.gov]  
**From:** Fichthorn, Norm  
**Sent:** Tue 1/10/2017 2:34:51 AM  
**Subject:** Comments of the Utility Air Regulatory Group in Docket ID No. EPA-HQ-OAR-2016-0598  
[UARG Comments November 10 2016 EPA Proposed Rule-c.pdf](#)

January 9, 2017

Dear Administrator McCarthy:

Attached are comments of the Utility Air Regulatory Group on EPA's Proposed Rule: "Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan Requirements for Texas," 81 Fed. Reg. 78954 (Nov. 10, 2016), EPA Docket ID No. EPA-HQ-OAR-2016-0598. These comments were filed on today's date in this docket at [www.regulations.gov](http://www.regulations.gov).

Sincerely,

Norman W. Fichthorn

*Counsel to the Utility Air Regulatory Group*



**Norman Fichthorn**

Partner

[nfichthorn@hunton.com](mailto:nfichthorn@hunton.com)

p 202.955.1673

[bio](#) | [vCard](#)

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Washington, DC 20037

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